

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Prime Environmental Services
Company
3150 N. Maxson Road
El Monte, California 91732

ID No. CAL931024038
Respondent.

Docket HWCA 20030136

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Prime Environmental Services Company (Respondent) enter into this Consent Order and agree as follows:

1. The Department authorized Respondent to transport hazardous waste by Hazardous Waste Transportation Registration number 32111 issued on May 26, 1993, and cancelled on May 31, 2005.

2. The Department inspected Respondent's places of business at 3150 N. Maxson Road, El Monte, California 91732 and 2304 West 16th Street, Long Beach, California, on numerous dates including January 6 and 14, 1999, and July 5, 8, and 26, 2002.

3. The Department alleges the following violations:

3.1 The Respondent violated Health and Safety Code section 25201 in that on numerous occasions, Respondent stored hazardous waste at unauthorized locations, to wit:

3.1.1. On or about July 5, 2002, Respondent stored at least 60 containers of hazardous waste at 3150 N. Maxson Road, El Monte, California 91732, longer than 10 days.

3.1.2. During the period beginning on or about January 20, 2000, through July 5, 2002, Respondent stored hazardous waste in amounts varying from one container to more than 200 containers for longer than 10 days at 3150 N. Maxson Road, El Monte, California 91732 and at 2304 West 16th Street, Long Beach, California.

3.1.3. On or about January 14, 1999, Respondent stored at 2304 West 16th Street, Long Beach, California, one one-cubic yard box containing flammable and corrosive liquids, transported under hazardous waste manifest number 95652785, for 30 days.

3.1.4. Respondent held the waste listed on the following manifests longer than ten days:

Manifest number	Date of receipt	Date delivered	Days in violation
980433331	7/31/1998	8/14/1998	4
97251528	8/01/1998	8/14/1998	3
95652788	12/15/1998	12/29/1998	4
95652738	10/24/1998	12/01/1998	38

3.1.5. On or about July 19, 1999, Respondent received, repackaged, and stored an unmanifested load of seven containers of oily soil

and water. The containers, when received, were not packaged in accordance California Code of Regulations, title 22, section 66262.30. Respondent did not transport the hazardous waste.

3.1.6. On or about July 15, 1999, until on or about July 20, 1999, Respondent accepted and stored, not in the normal course of transportation, hazardous waste listed on the following nine manifests: Manifest numbers 98583581, 98583582, 98583583, 98583584, 98583588, 98583589, 98583591, 98583593, and 98583595.

3.1.7. On or about July 8, 1999, Respondent accepted from another transporter, and stored until July 12, 1999, hazardous waste on manifest number 98572967. Respondent did not transport the waste.

3.2. Respondent violated California Code of Regulations, section 66263.23(b) in that on numerous occasions, Respondent delivered hazardous waste to locations that were not authorized by the Department to receive the waste, to wit:

3.2.1. On or about November 20, 2002, the Department reviewed the Department's manifest tracking system, and found at least 162 manifests for the years 2000, 2001, and 2002 where Respondent delivered hazardous waste to Respondent's yards at 3150 N. Maxson Road, El Monte, California and at 2304 West 16th Street, Long Beach, California, and stored the hazardous waste at those locations without authorization.

3.2.2. On or about July 5, 2002, Respondent delivered to its yard at 3150 N. Maxson Road, El Monte, California, at least 12 loads of hazardous

waste that were rejected by a treatment, storage, or disposal facility. Respondent stored those wastes at that location without authorization.

3.2.3. On or about January 14, 1999, Respondent delivered to its yard at 2304 West 16th Street, Long Beach, California, one one-cubic yard box containing flammable and corrosive liquids rejected by a treatment, storage, or disposal facility. Respondent stored these wastes at that location without authorization.

3.2.4. Between November 13, 1998, and November 23, 1998, Respondent transported to and stored for approximately one month at 14711 Slover Avenue, Fontana, California, a location that is not authorized to store hazardous waste, at least five 10 cubic yard roll-off bins of hazardous waste.

3.3. Respondent violated Health and Safety Code section 25160(d) (1) and California Code of Regulations, section 66263.20(a), in that on numerous occasions, without a valid manifest, Respondent transported to the Respondent's yard hazardous waste that had been rejected by authorized facilities.

3.4. Respondent violated California Code of Regulations, section 66263.16(b) in that on or about July 8 and 26, 2002, Respondent transported hazardous waste in containers that were leaking, to wit:

3.4.1. On or about July 8, 2002, at 3150 N. Maxson Road, El Monte, California, five drums containing a flammable liquid hazardous waste, transported under manifest number 21947806, were leaking at the bung caps.

3.4.2. On or about July 26, 2002, at 3150 N. Maxson Road, El Monte, California, one one-cubic yard fiber box, containing hazardous waste ink, was leaking so that the bottom of the box and the pallet under the box was wet.

3.5. Respondent violated California Code of Regulations, section 66263.20(b) in that on or about June 21, 2002, Respondent transported hazardous waste on manifest 98356455 and failed to write Respondent's name in the appropriate Transporter of Waste (line 7) section of the manifest.

3.6. Respondent violated California Code of Regulations, section 66263.21(b), in that on at least 12 occasions, when waste could not be delivered to the designated facility, Respondent failed to contact the generator of the hazardous waste for further directions.

3.7. The Respondent violated California Code of Regulations, title 22, section 66263.21(a) (1) in that on numerous occasions during the years 1999 through 2002, the Respondent failed to deliver hazardous waste to the designated facility listed by the generator on the manifest or to the designated alternate facility.

3.7.1. The Respondent delivered the following numbers of manifested loads to second transporters instead of to the facility designated on the manifests by the generators: In 1999, at least 600 manifests; in 2000, approximately 1000 manifests; in 2001 at least 350 manifests; and in 2002, 16 manifests

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

PAYMENTS

9. Respondent shall pay the Department \$50,000.00 in penalties pursuant to the following schedule:

a. \$10,000.00 on or before February 1, 2006.

b. The remaining \$40,000.00 shall be paid in eight monthly installments of \$5,000.00 by the first day of each succeeding month, beginning on March 1, 2006. The payments shall be due on the first day of each month.

Respondent's check shall be made payable to the Department of Toxic Substances Control, shall indicate "Docket HWCA 20030136" on the check, and shall be-delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Phillip Blum, P.E., Unit Chief
Task Force Support and Special Investigations Branch
1011 North Grandview Avenue
Glendale, California 91201

To: Stephen Sterling, Chief
Task Force Support and Special Investigations Branch
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

James Grace
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

10.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

10.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

10.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

10.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

10.5. Tolling Agreement: The tolling agreement between the parties shall terminate upon the effective date of this Consent Order.

10.6. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: January 3, 2006 PRIME ENVIRONEMTNAL SERVICES COMPANY

By: Original signed by Matthew Stewart

Matthew Stewart, President

Dated: January 10, 2006 Phillip Blum
Phillip Blum, Chief
Southern California Unit
Task Force Support and Special Investigations
Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201